

- 8 -

04645.1072

REMARKS

Claims 1 to 31 are pending. Claims 2 to 12 are allowed, claims 13 to 23 are withdrawn from consideration and claims 24 to 31 are new.

1. At the outset, the Applicants request written confirmation from the Examiner that the changes to Figs. 3 and 9 set forth in the amendment filed October 6, 2004, are acceptable. If they are, the Applicants would like to file a new set of formal drawings incorporating those changes.

2. In the amendment filed October 6, 2004, the Applicants set forth specific arguments as to why they believe the restriction requirement between claims 1 to 12 (Group I) and claims 13 to 23 (Group II) is improper. As filed, independent claim 1 calls for "a terminal connected to a lead of the conductor," and "a body supporting the terminal". Independent method claim 13 includes as one of its steps "molding a body of polymeric material supporting a terminal connectable to a lead of the conductor . . ."

In that respect, an aspect of method claim 13 is that the polymeric material encases (supports) the terminal. This precludes reaming and boring the polymeric material in order to fit the terminal into the supporting body. In other words, the terminal must be properly positioned before the polymeric material partially encases it, but leaving "a first passageway extending into the body leading to the terminal and a second

- 9 -

04645.1072

passageway extending into the body in communication with the terminal and the first passageway." In the alternative, reaming and boring techniques could be used to provide a passageway into which the terminal is moved and then cemented or otherwise secured in place. However, in that case the molded body would not support the terminal. Instead, the cement would. In fact, the Applicants' presently claimed invention in respect to both the article of manufacture and method claims is an improvement over those prior processes that required reaming and boring techniques to provide a header for a medical device.

Reconsideration of this restriction requirement is requested.

3. Claim 1 is rejected under 35 USC 102(b) as being anticipated by Ware (U.S. Patent No. 5,086,773). The Ware patent shows a pacemaker lead assembly comprising an insulating connection housing 50 supported on the partition member 55 of a pulse generator compartment. The structure of the pulse generator compartment is not further described.

Independent claim 1 has been amended to cover an assembly comprising an implantable medical device and a header. The implantable medical device comprises a first housing portion that is matable to a second housing portion. The housing portions are each of a clamshell construction with an open end. When the first casing portion is mated to the second casing portion, the aligned open ends provide the housing with an opening closable by a lid. The lid, in turn, supports a body, such as of a polymeric material (claim 26), supporting a

- 10 -

04645.1072


terminal. A feedthrough wire connects between the terminal and the interior of the housing containing the control circuitry and at least one power source by passing through an opening in the lid with the feedthrough wire electrically insulated from the housing and lid. A passageway in the body leads to the terminal and is for the purpose of connecting the lead of a conductor to the terminal and consequently the control circuitry and power source of the medical device by means of the feedthrough wire. A body organ is at the other end of the conductor.

For at least the reason that Ware does not show a medical device comprising a housing of first and second mating clamshells closed by a lid, amended independent claim 1 is neither anticipated by nor obvious in light of Ware. Newly added claims 24 to 31 are allowable as hinging from a patentable base claim.

Reconsideration of this rejection is requested.

It is believed that claims 1 to 12 and 24 to 31 are now in condition for allowance. Notice of Allowance is requested.

Respectfully submitted,


Michael F. Scalise
Reg. No. 34,920

Wilson Greatbatch Technologies, Inc.
10,000 Wehrle Drive
Clarence, New York 14031
(716) 759-5810
January 19, 2005